



SINGLE FAMILY HOME

CONDO

RESORT

HOTEL

UNIFORM TRANSIENT OCCUPANCY TAX

ORDINANCE OF THE COUNTY OF PLACER



Revised 2019

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Erik Bergen

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SEC.4.16.010 SHORT TITLE

This article shall be known as the "Uniform Transient Occupancy Tax Ordinance of the County of Placer." (Ord. 5006-B (part), 1999: prior code § 21.1)

SEC.4.16.020 DEFINITIONS

Except where the context otherwise requires, the definitions given in this section govern the construction of this article:

"Guest Receipt" means the final statement of account, rental activity report, or other document, whether in paper or electronic format, listing the summary of charges incurred by the transient or guest which separately itemizes the amount of tax paid as required by Section 4.16.050.

"Hotel" means any structure, or any portion of any structure which is provided by the operator and occupied, intended, or designed for occupancy by transients for dwelling, lodging or sleeping purposes and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer, tent, teepee, or yurt at a fixed, temporary or semi-permanent location or other similar structure or portion thereof

"Hotel" does not mean any of the following: Any hospital, sanitarium, medical clinic, convalescent home, rest home, home for the aged people, foster home or other similar facility operated for the care or treatment of human beings; any asylum, jail, prison, orphanage or other facility in which human beings are detained and housed under legal restraint; any housing owned or controlled by an educational institution and used exclusively to house students, faculty or other employees and any fraternity or sorority house or similar facility occupied exclusively by students and employees of such educational institution and officially recognized or approved by it; any housing operated or used exclusively for religious, charitable or educational purposes by an organization having qualifications for exemption from property taxes under state or federal law; and housing owned by a governmental agency and used to house its employees or for governmental purposes; any camp as defined in the State Labor Code or other housing furnished by an employer exclusively for employees.

"Managing Agent" means a third party who is not the owner of the hotel, but who acts as an operator on behalf of the owner. A managing agent includes property management companies, online platforms, or any other person or entity acting on the owner's behalf.

“Occupancy” means the use or possession or the right to the use of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.

“Operator” means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee or any other capacity. Where the operator performs its functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this article and shall have the same duties and liabilities as his or her principal. Compliance with the provisions of this article by either the principal or the managing agent shall, however, be considered to be compliance by both, unless the principal collects rent outside of the managing agents’ defined agreement in which case said principal shall be subject to all the provisions of the uniform transient occupancy tax ordinance of the county of Placer.

“Person” means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

“Rent” means the consideration charged, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Rent does not include any additional items not related to occupancy that are included in a special package rate such as ski passes, or other recreational activity, or additional non-room related services. All room-related items and non-room related items must be separately itemized in the operator’s accounting records. If additional benefits or services are not separately itemized as indicated above, the entire amount paid by the transient shall be presumed to be rent. Required and collected amounts for room-related fees and services are subject to transient occupancy tax.

“Tax administrator” means the division manager of the Placer County division responsible for collection of transient occupancy taxes. The tax administrator shall have the authority to adopt procedures and schedules for the collection and payment of the tax and to issue guidelines to clarify this article. All procedures and guidelines issued by the tax administrator shall be made available to all operators on the county website.

“Tourist home or house” means a house or condominium unit

which is, or within which rooms are, available for rent to transients.

“Transient” means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be presumed to be a transient until the period of thirty (30) days has expired.

To avoid being presumed to be a transient during any thirty (30) consecutive day period, the person exercising occupancy rights must, prior to occupancy, enter into a written agreement with the operator. The written agreement shall obligate the person to pay market rate for the occupancy for a period of at least thirty-one (31) consecutive days. If the written agreement requirements are satisfied, the person exercising said occupancy rights shall not be considered a transient under this article and, therefore, shall not be subject to the tax imposed pursuant to Section 4.16.030 of this article. In the absence of said written agreement prior to the commencement of occupancy, the person shall be presumed a transient and subject to the transient occupancy tax until the qualifying period (thirty (30) consecutive days) for nontransient status has been satisfied. On the thirty-first consecutive day, and on each consecutive day thereafter, the transient occupancy tax shall not apply.

SEC.4.16.030 IMPOSITION—AMOUNT—WHERE PAYABLE

A. For the privilege of occupancy in any hotel in the “Western Slope Transient Occupancy Tax Area,” each transient is subject to and shall pay a tax in the amount of eight (8) percent of the rent charged by the operator.

B. Effective October 1, 2012 and sunseting September 30, 2022, for the privilege of occupancy in any hotel located in that portion of Placer County legally described in subsection D of this section as the “North Lake Tahoe Transient Occupancy Tax Area,” each transient is subject to and shall pay an additional 2% tax for a total tax in the amount of ten (10) percent of the rent charged by the operator. The two percent increase incorporated herein is a general tax.

C. Such tax constitutes a debt owed by the transient to the county, which is extinguished only by payment to the operator or to the county. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient’s ceasing to occupy

space in the hotel. If, for any reason, the tax due is not paid to the operator of the hotel, the Tax Administrator may require that such tax shall be paid directly to the Tax Administrator.

D. The legal description of the “North Lake Tahoe Transient Occupancy Tax Area” is as follows:

Beginning at the southwest corner of Section 30, T14N, R16E, M.D.B.&M., being a point on the Placer-El Dorado County line, and running thence north along section lines to the northwest corner of Section 6, T15N, R16E, M.D.B.&M., being a point on the south line of Section 36, T16N, R15E; thence east along the south line of said Section 36 to the southeast corner thereof; thence north along section lines to the quarter-section corner on the east line of Section 25 of the last mentioned township and range; thence westerly along the east-west centerlines (the half section lines) of Sections 25, 26 and 27 of the last mentioned township and range 2-3/4 miles more or less to an intersection with a branch of the North Fork of the American River located in said Section 27; thence northwesterly and westerly along said branch and said river, 9-1/2 miles more or less to the north-south centerline of Section 20, Township 16 North, Range 14 East M.D.B.&M.; thence north along the north-south centerline of Sections 20, 17, 8, and 5 of said township and range and along the north-south centerline of Sections 32 and 29 Township 17 North Range 14 East, M.D.B.&M., to the north line of Placer County; thence easterly along the north line of Placer County to the northeast corner of said county, a point on the east line of the State of California; thence south along the east line of the State of California; and the east line of Placer County to the southeast corner of said county; thence west and south along the south line of Placer County to the point of beginning.

E. The legal description of the “Western Slope Transient Occupancy Tax Area” is as follows:

All that portion of the unincorporated area of the county of Placer, State of California that lies West of the following described line:

Beginning at the southwest corner of Section 30, T14N, R16E, M.D.B.&M., being a point on the Placer-El Dorado County line, and running thence north along section lines to the northwest corner of Section 6, T15N, R16E, M.D.B.&M., being a point on the south line of Section 36, T16N, R15E; thence east along the south line of said Section 36 to the southeast corner thereof; thence north along section lines to the quarter-section corner on the east line of Section 25 of the last mentioned township and

range; thence westerly along the east-west centerlines (the half section lines) of Sections 25, 26 and 27 of the last mentioned township and range 2 3/4 miles more or less to an intersection with a branch of the North Fork of the American River located in said Section 27; thence northwesterly and westerly along said branch and said river, 9 1/2 miles more or less to the north-south centerline of Section 20, Township 16 North, Range 14 East M.D.B.&M.; thence north along the north-south centerline of Sections 20, 17, 8, and 5 of said township and range and along the north-south centerline of Sections 32 and 29 Township 17 North Range 14 East, M.D.B.&M., to the north line of Placer County. (Ord. 5212-B, 2002; Ord.5006-B (part), 1999: prior code § 21.3)

SEC.4.16.040 EXEMPTIONS FROM TAX

No tax levied by the article shall be imposed upon any person as to whom, or any occupancy as to which, it is beyond the County's legal authority to impose the tax herein provided:

- A. Any federal or state officer or federal credit union employee when on official business;
- B. Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty;
- C. Rooms donated to or paid by the Red Cross or other charitable organization for the express purpose of providing temporary emergency shelter;
- D. Complimentary stays where no Rent is received;
- E. The owner of a timeshare estate occupying a room or rooms in a timeshare project, as defined in Business and Professions Code, Section 11212 or its successor statute; or
- F. The owner of a membership camping contract as defined in Civil Code Section 1812.300;
- G. No exemption shall be granted under this section unless a claim for exemption, in the form prescribed by the tax administrator, is executed by the transient under penalty of perjury and filed with the operator at the time agreement for occupancy is entered. The transient occupancy tax claim of exemption form shall be made available on the Placer County's website page pertaining to transient occupancy taxes.

SEC.4.16.050 COLLECTION—ADVERTISING THAT PAYMENT OF TAX NOT REQUIRED PROHIBITED, RECEIPT REQUIREMENT

Each operator shall collect the tax imposed by this article to the same extent and at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of the rent charged, on all guest receipts which must be made available to the transient by the operator. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent or that, if added, any part will be refunded except in the manner hereinafter provided. (Ord. 5006-B (part), 1999: prior code § 21.5)

SEC.4.16.060 TRANSIENT OCCUPANCY REGISTRATION CERTIFICATE.

A. Within sixty (60) days after the effective date of the ordinance codified in this article or within thirty (30) days after commencing business, whichever is later, each operator of any hotel renting occupancy to transients shall register such hotel with the tax administrator and obtain from him or her a "transient occupancy registration certificate" to be at all times posted in a conspicuous place on the premises and in plain view of the transient. A certificate is required for each hotel which is owned separately or has a separate assessor's parcel number. Such certificate shall, among other things, state the following:

1. The name of the operator.
2. The address of the hotel.
3. The date upon which the certificate was issued.
4. "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Uniform Transient Occupancy Tax Ordinance by registering with the tax administrator for the purpose of collecting from transients the Transient Occupancy Tax and remitting said tax to the tax administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this County. This certificate does not constitute a permit."

5. Each certificate holder shall, prior to being issued a certificate, indicate that they have reviewed, understand, and agree that they are aware of and will advise the transient of the existence of certain county and other special district ordinances that have potential to impact public health and safety, including but not limited to noise, trash, parking, fire and animals. The operator shall display in a conspicuous place in each hotel unit a "Good Neighbor" fact sheet provided by the tax administrator informing guests of county ordinances and local community norms.

6. In an operator owns or manages multiple hotel units (multiple separate APNs) as a single business, the tax administrator may, in addition to the tax certificates for each separate APN, issue a master tax certificate to the operator. The master tax certificate may then be posted once in the place of business in a location where it can be read by a transient, and posting of the individual certificates in each hotel unit is not required.

B. Each operator shall include in all advertisements (print and electronic) the unique Transient Occupancy Registration Certificate number. This certificate number shall be displayed prominently and shall be included in all detail pages of the advertisement that indicate the property's amenities, price and photo(s). Those operators who have a valid business license issued by Placer County are exempt from this requirement.

C. Within sixty (60) days after the effective date of the ordinance codified in this article or within thirty (30) days after commencing business, whichever is later, an operator shall designate a local person ("local contact") who has access and authority to assume management of the unit. An operator must ensure that the tax administrator has the current name, number, address, and if applicable, email address of the operator's local contact. An operator of a hotel who resides within fifty (50) miles from the hotel property may designate themselves as the local contact. If a hotel has a front desk that is staffed full-time, then that hotel may designate itself as a local contact. If a local contact will be temporarily unable to meet the requirements of this subsection, the operator must designate a backup, and provide the backup's information to the tax administrator.

D. Certificate Nontransferable. The transient occupancy registration certificate shall be nontransferable and shall become null and void and shall be returned to the tax administrator for cancellation whenever an operator to whom a certificate has been issued ceases to act in the capacity of an operator. Any succeeding operator shall

apply for, and obtain, a separate transient occupancy registration certificate as provided in this section.

SEC.4.16.070 REPORTS AND REMITTANCES

A. Each operator and Transient Occupancy Registration Certificate holder shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reporting period which may be established by the Tax Administrator, make a return to the Tax Administrator. Such return shall show whether or not any rents were charged, and if so, the total thereof and the amount of tax collected for transient occupancies. At the time the return is filed, the full amount of the tax collected shall be remitted to the Tax Administrator along with copies of claims of exemptions for that time period. The Tax Administrator may establish shorter reporting periods for any certificate holder if he or she deems it necessary in order to insure collection of the tax, and may require further information in the return. Any operator may choose to make a return and remit the full amount of the tax collected to the Tax Administrator monthly, but in no case less than quarterly as specified above. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this article shall be held in trust for the account of the county until payment thereof is made to the Tax Administrator.

B. Any operator that collects transient occupancy taxes in excess of four hundred thousand dollars (\$400,000.00) in a given fiscal year shall make remittances on a monthly basis in the succeeding fiscal year. Said remittances shall be due on or before the last day of the month following the last day of the proceeding month.

C. For the purposes of this section, "on or before" shall be interpreted as (1) hand delivery; or (2) postal delivery of a properly stamped and addressed envelope containing the return and full amount of the tax to the United States Postal Service; or (3) fax or email. Delivery to the Postal Service must be verified by cancellation by the Postal Service showing a postmark date no later than midnight on the date the tax is due. If the due date of the tax falls on a United States Post Office Closure date, the tax due date shall be the next business day (excluding federal holidays.) Private postal meter strips and dates shall not be considered evidence of delivery to the United States Postal Service. Fax or email delivery shall be evidence by the date stamp of delivery. (Ord. 5046-B, 2000: Ord. 5006-B (part), 1999: prior code § 21.7)

SEC.4.16.080 REMITTING AND REPORTING REQUIREMENTS UPON CESSATION OF OPERATIONS

A. An operator who intends to transfer, sell or terminate its hotel operations shall notify the Tax Administrator in writing of such sale, transfer or termination and the name and address of the purchaser or transferee at least thirty (30) days in advance of the date of transfer, sale or termination, unless the decision to sell, transfer or terminate was made within less than a thirty (30) day period.

B. Each operator upon cessation of operations for any reason shall, on or before the same day of the next month following the cessation of operations or on the last day of that month if no corresponding day exists, file a return with the Tax Administrator on approved forms of the total taxable rents charged, the amount of tax collected for the reporting period, remittances made, if any, and the balance of the tax due. At the time the return is filed, the full amount of the balance of the tax due, if any, shall be remitted to the Tax Administrator. Returns filed and tax remitted and actually received by the Tax Administrator on or before the same day of the next month following the cessation of business or on the last day of that month if no corresponding calendar day exists shall be deemed timely filed and remitted; otherwise, the taxes are delinquent and subject to the penalties imposed by this article. (Ord. 5006-B (part), 1999: prior code § 21.8)

SEC.4.16.090 PENALTIES FOR FAILURE TO REMIT TAX WHEN DUE

A. Original Delinquency. Any operator who fails to remit any tax imposed by this article within the time required shall pay a penalty of ten (10) percent of the amount of the tax in addition to the amount of tax.

B. Continued Delinquency. Any operator who fails to remit any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first becomes delinquent shall pay a second delinquency penalty of ten (10) percent of the amount of the tax in addition to the amount of the tax and the ten (10) percent penalty first imposed.

C. Fraud. If the Tax Administrator determines that payment of any remittance is fraudulent, a penalty of twenty-five (25) percent of the amount of the tax shall be added in addition to the penalties stated in subsections A and B of this section.

D. Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this article shall pay interest at the rate of one and one-half percent per month or fraction thereof on the amount of the tax, exclusive of penalties from the date on which the remittance first became delinquent until paid.

E. Penalties Merged with Tax. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax herein required to be paid. (Ord 5006- B (part), 1999: prior code § 21.9)

SEC.4.16.100 DETERMINATION OF TAX BY TAX ADMINISTRATOR UPON FAILURE OF OPERATOR TO COLLECT AND REPORT TAX—NOTICE AND HEARING

A. If any operator fails or refuses to collect the tax or any portion thereof required by this article, and within the required time, report and remit as required by this article, the Tax Administrator shall proceed in such manner as he or she may deem best to obtain facts and information on which to base his or her estimate of the tax due. The Tax Administrator shall, based on the facts and information obtained, proceed to determine and assess against such operator the tax, interest and penalties provided for by this article. The Tax Administrator shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, return receipt requested, addressed to the operator at his or her last-known address.

B. For purposes of determining the liability of any operator failing or refusing to file a return, there shall be a rebuttable presumption that liability is the same as in the maximum liability quarter for the previous fiscal year. Additionally, all civil and criminal penalties and remedies provided for in Section 4.16.150 of this code shall apply.

1. The same as in the maximum liability quarter for the previous fiscal year.

C. In the event records are not produced upon request, or such records are not reasonably auditable, tax, interest and penalties will be levied upon the average room rate and occupancies for similar properties within the same area during the audit period. Further, and without limitation, any operator and/or owner who does not produce records following written notice as set forth herein shall pay, in addition to any tax, interest, or penalties due, the sum of one hundred dollars (\$100.00) per day for each day the records are not produced. (Ord. 5006-B (part), 1999: prior code § 21.10)

SEC.4.16.110 WAIVERS—APPEAL PROCESS

A. Waiver of Interest and/or Penalties.

1. An operator may request a waiver of interest and/or penalties as provided for in Sections 4.16.090(A), (B), and (D) and 4.16.100(C) by submitting a request for waiver in writing to the county executive officer or designee within seven working days after the operator is notified in writing by the tax administrator of the interest and penalty assessment. A request for waiver of interest and/or penalties under this subsection is not considered an appeal of a determination of tax pursuant to subsection B of this section.

2. The County Executive Officer or his or her designee shall issue a written decision within ten (10) working days after receipt of the request. Upon receipt of the application for waiver, the County Executive Officer or his or her designee may, for good cause, waive the interest and penalties in an amount not to exceed five thousand dollars (\$5,000.00). The amount determined to be due shall be immediately due and payable unless an appeal is taken as provided in Section 4.16.110(B).

3. Waiver requests of interest and/or penalties exceeding five thousand dollars (\$5,000.00) may only be waived, for good cause, by the County Executive Officer. The County Executive Officer shall issue a written decision within ten (10) working days after receipt of application for waiver. The amount determined to be due shall be immediately due and payable unless an appeal is taken as provided in Section 4.16.110 (B).

B. Appeal of Determination of Tax, Penalties and Interest by Tax Administrator.

1. An operator may, within seven working days after the serving or mailing of the notice of assessment of taxes, penalties, and interest provided for under Section 4.16.090(A), make application in writing, by letter, email or faxed letter to the county executive officer or designee for a redetermination on the amount assessed. The operator must include a completed return at the time the request for redetermination and offer evidence as to why the tax, interest and/or penalties should not be so assessed. If application for a redetermination on the amount assessed is not made within the time prescribed, the tax, interest and penalties, as determined by the Tax Administrator shall become final and conclusive and immediately due and payable.

2. If such application is made, the county executive officer or designee shall give no less than ten (10) working days' written notice, by certified mail, to the operator of his or her determination. The amount determined to be due shall be conclusively deemed to be the amount owed and is due and payable after fifteen (15) days unless a written appeal is filed pursuant to subsection C.

C. Appeal of Redetermination of the County Executive Officer or Designee.

1. Any operator aggrieved by any decision of the county executive officer or designee with respect to a redetermination of the amount of such tax, interest and/or penalties, as assessed under the provisions of Section 4.16.080 or 4.16.090, may file an appeal to with the county executive officer or designee by filing a written notice of appeal within ten (10) working days of the mailing of the notice of redetermination.

2. If an appeal is filed, the county executive officer or designee shall schedule an appeal hearing with a county hearing officer selected on a rotating basis from a list of appointed hearing officers who are not current county employees. Such appeal hearing shall be heard within thirty (30) days from the date of receipt of the appeal, with notice provided to the operator at least ten (10) days prior to the hearing date.

3. Once the County Executive Officer or his or her designee has scheduled the appeal hearing, written notification thereof shall be given to the operator by certified mail.

4. At the hearing, the operator shall have the right to testify, to be represented by counsel, to present witnesses on the operator's behalf, to cross-examine all other witnesses and to present oral and written documents and evidence on the issues. The hearing shall be recorded stenographically.

5. Within thirty (30) days of the conclusion of the hearing, the hearing officer shall render a written decision that shall be served on the operator and the tax administrator. If the hearing officer finds the operator owes any taxes, penalties, and/or interest, the amount owed shall be due and payable in full within ten (10) days from the date the hearing officer's decision was served on the operator. The hearing officer's decision is final, unless the operator appeals pursuant to subsection 6, below.

6. An aggrieved operator may, within ten (10) days from the date the hearing officer's decision is served on the operator,

appeal the hearing officer's decision to the board of supervisors by filing a notice of such decision with the clerk of the board. shall review the findings and recommendation of the CEO or designee and The board of supervisors shall schedule a hearing, which shall be open to the public, and the hearing officer shall promptly provide all evidence submitted at the hearing, including exhibits, briefing, and transcripts to the board of supervisors. The operator shall have the right to argue their position, to be represented by counsel, and to refer to documents or testimony given at the hearing held by the but shall not be allowed to introduce any new documents, testimony or other evidence unless the party proffering the new evidence can show good cause as to why the new evidence was not presented at the hearing before the hearing officer. The board of supervisors may request additional briefing of any issue raised during any point of the appeal process, and may continue the hearing from time to time as deemed necessary. The board of supervisors shall issue a decision on the appeal at the conclusion of the hearing, and may sustain, modify, or reverse the decision of the hearing officer. Any amount determined to be due shall be due and payable immediately upon the decision of the board. The decision by the board of supervisors shall be the final level of administrative appeal.

SEC.4.16.120 DUTY TO KEEP RECORDS **—RIGHT OF INSPECTION**

A. It shall be the duty of each operator and "Transient Occupancy Tax Registration Certificate" holder to keep and preserve for a period of four years all records as may be necessary to determine the amount of such tax as he or she may have been liable to collect and pay to the county, commencing on July 9, 2014. Until July 9, 2014 the retention period shall remain three years.

B. The Tax Administrator or his or her designee, shall have the right at all times reasonable to inspect all books and records of the operator relating to the operation of the hotel, including, but not limited to, the following:

1. General ledgers or financial statements.
2. Subsidiary ledgers and records.
3. Original documents and records including, but not limited to:
 - a. Daily record of room occupancies.
 - b. A written record of each occupancy charge for which an

exemption is claimed, including the name of the person occupying the room, dates of occupancy and reason(s) for and documentation in support of claims for exemption.

c. All records kept outside of Placer County must either be produced for review at a designated Placer County facility or, upon request, at a location outside of Placer County at the operator's expense.

d. All tax returns and information furnished by any operator or "Transient Occupancy Tax Registration Certificate" holder pursuant to this article shall be confidential and shall not be open to public inspection nor the specific contents thereof disclosed by any officer or employee except as necessary in the performances of official duty pursuant to this article, or in the course of any proceedings, hearings, and litigation involving the existence or amount of tax liability of such operator, or with the written consent of the operator, or an authorized representatives Said documents may be retained in electronic form. (Ord. 5006-B (part), 1999: prior code § 21.12)

SEC.4.16.130 REFUNDS

A. Whenever the amount of any tax, interest or penalty has been overpaid under this article, it may be refunded as provided in subsections B and C of this section; provided a written claim, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the Tax Administrator within three years of the date of payment. The claim shall be on forms furnished by the Tax Administrator.

B. An operator may claim a refund or take as credit against taxes collected and remitted any amount overpaid when it is established in a manner prescribed by the Tax Administrator that the person from whom the tax has been collected was not a transient; provided that the amount of tax so collected has either been refunded to the transient or credited to the rent subsequently payable by the transient to the operator.

C. A transient may obtain a refund of taxes overpaid by filing a claim in the manner provided in subsection A of this section but only when the tax was paid by the transient directly to the Tax Administrator or when the transient having paid the tax to the operator establishes to the satisfaction of the Tax Administrator that the transient has been unable to obtain a refund from the operator who collected the tax.

D. No transient shall be entitled to a refund from any operator of any transient occupancy tax paid to the operator on the grounds that such transient did not take occupancy of the room unless he or she files a written request with such operator stating his or her full name, address, telephone number, date of request, date tax paid to operator, room number for which such tax was paid, and that he or she did not occupy such room. (Ord. 5006-B (part), 1999; prior code § 21.13)

SEC.4.16.140 TAX DEEMED DEBT TO THE COUNTY—ACTION BY COUNTY TO COLLECT TAX

A. Any tax required to be paid by any transient under the provisions of this article shall be deemed a debt owed by the transient to the county. Any such tax collected by an operator which has not been paid to the county shall be deemed a debt owed by the operator to the county. Any person owing money to the county under the provisions of this article shall be liable to an action brought in the name of the county for the recovery of such amount. (Ord. 5006-B (part), 1999; prior code § 21.14)

B. If any person fails to pay any taxes, penalty or interest owed under this chapter when due, the Board of Supervisors may, within four years from date payment was first due, authorize the tax administrator to record a certificate of taxes, penalty and interest due with the Placer County Clerk-Recorder. The certificate shall state the amount of tax, penalties and interest due, the operator's name and last known address and that the tax administrator has determined the amount due pursuant to this chapter. From the time the certificate is recorded the amount due at the time the certificate is recorded plus any accrued interest constitutes a lien upon all real and personal property located in Placer County owned by the operator named in the certificate. The lien also attaches to any property the operator acquires after the certificate is recorded until the lien expires. The lien has the force, effect and priority of a judgment lien and shall continue for ten (10) years from the time the certificate is filed unless the lien is released, discharged, or renewed as allowed by law.

C. At any time within the three years after the tax administrator has recorded a certificate under subsection B the tax administrator may issue a warrant for the enforcement of any liens and for the collection of any amount required to be paid to the County under this chapter. The warrant shall be directed to any sheriff and shall have the same effect as a writ of execution. The warrant shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy of and a sale pursuant to a writ of execution. The tax administrator may

pay or advance to the sheriff the same fees, commissions and expenses for their services as are provided by law for similar services pursuant to a writ of execution.

D. In lieu of issuing a warrant under subsection C, at any time within the three years after the tax administrator has made a determination of taxes, penalties and interest due under the provisions of this Article and recorded a certificate under this section the tax administrator may collect the amount owed the County by seizing or causing to be seized any real or personal property owned by the operator liable and sell the property, or a sufficient part of it, at public auction to pay the amount due together with any interest due on the unpaid amount and any costs incurred on account of the seizure and sale. Any seizure made to collect taxes due shall be only of property of the operator not exempt from execution under the provisions of the Code of Civil Procedure.

SEC.4.16.150 VIOLATIONS

Any violation of the provisions of this article shall be punishable as provided by Article 1.24 of the Placer County Code, or as required by Penal Code Section 424. (Ord. 5006-B (part), 1999: prior code § 21.15)

**PLACER COUNTY
ADMINISTRATIVE SERVICES DEPARTMENT**

REVENUE SERVICES DIVISION
10810 JUSTICE CENTER DRIVE, SUITE 100
ROSEVILLE, CA 95678

ADDRESS SERVICE REQUESTED

